

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

**PROJECT VOTE/VOTING FOR
AMERICA, INC.**

737 ½ 8th St SE
Washington, DC 20003

Plaintiff,

v.

ELISA LONG,

*In Her Official Capacity as General Registrar
of Norfolk, VA*

City Hall Building, Room 808
810 Union Street
Norfolk, VA 23510

NANCY RODRIGUES,

*In Her Official Capacity as Secretary, State
Board of Elections,*

Washington Building, First Floor
1100 Bank Street
Richmond, VA 23219

Defendants.

CIVIL ACTION NO.: 2:10cv75

PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

Plaintiff Project Vote respectfully moves for summary judgment pursuant to Fed. R. Civ. P. 56(a) on its claim to compel Defendants Elisa Long and Nancy Rodrigues to make available for inspection and copying records withheld in violation of the Public Disclosure Provision of the National Voter Registration Act (“NVRA”), 42 U.S.C. § 1973gg *et seq.* Specifically, Project Vote requested, and Defendants denied, access to completed voter registration applications and

related records (collectively the “Requested Records”) of prospective registrants who were denied registration in the city of Norfolk, Virginia in advance of the 2008 general election.

Whether the Requested Records must be produced under the NVRA is a question of law on which no material facts are in dispute. The NVRA’s Public Disclosure Provision requires that the Requested Records be made available to the public for inspection and, where available, photocopying, because they are “records concerning the implementation of programs or activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 42 U.S.C. § 1973gg-6(i). Defendants have unlawfully denied Project Vote access to these records, which Project Vote properly requested and which Project Vote is entitled to inspect and copy under the NVRA.

Accordingly, Project Vote’s motion for summary judgment should be granted. In support of its motion, Project Vote submits the attached Memorandum in Support of Motion for Summary Judgment.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of January, 2011, I electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/
Ryan M. Malone